

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

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ROBERT BOGGAN and EATON  
AEROSPACE, LLC,  
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Movants,  
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Case No. 1:11-mc-00001-JDB -egb  
v.  
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SKURKA AEROSPACE, INC.,  
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Respondent.)

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**ORDER**

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Before the Court is Defendant Eaton Aerospace, LLC and third party Robert Boggan's motion to quash the subpoena served on Boggan by Plaintiff Skurka Aerospace, Inc. pursuant to Federal Rule of Civil Procedure 45 ("Motion"). This Motion has been referred to the Magistrate Judge for determination. The Magistrate Judge GRANTS the Motion to Quash.

The Magistrate Judge finds that the deposition should be quashed pursuant to Rule 45(c)(3)(A)(iv). The proposed deposition subjects Robert Boggan to undue burden; the deposition may not be required, depending on the outcome of Movants' Motion for Protective Order currently pending in the Northern District of Ohio, as this subpoena was issued after the close of discovery. If this Motion for Protective Order is granted, Mr. Boggan will not have to be deposed. If it is denied, Mr. Boggan's deposition can simply be reset with little harm or prejudice to Plaintiff.

**IT IS SO ORDERED.**

**s/Edward G. Bryant**

EDWARD G. BRYANT

UNITED STATES MAGISTRATE JUDGE

Date: **January 4, 2011**

**ANY OBJECTIONS OR EXCEPTIONS TO THIS ORDER MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE ORDER. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.**